



Hendry County Sheriff's Office Central Records Chapter 100 Records



Eff. Date:
06/10/2019

Review Date:
06/10/2022

Revised Date:

Policy # CR 103.08

Subject: Baker Act

I. **PURPOSE:** To establish guidelines governing requests for the inspection, copying and release of records which would be considered confidential.

II. **SCOPE:** This order shall apply to all records section members.

III. **POLICY:** It is the policy of the Hendry County Sheriff's Office that all public records in the custody of the agency shall be open for inspection by any person. This policy is limited only to the extent that records or parts of records in the custody of the agency are made confidential and/or exempt from disclosure pursuant to Chapter 119, Florida Statutes (Public Records Act) or other provisions of law.

IV. **PROCEDURE:**

A. **General:**

The Baker Act, (Chapter 394, F.S.), is Florida's mental health act. The Baker Act provides for the voluntary or involuntary examination and treatment of mentally ill persons. The statute reads "A law enforcement officer shall take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to the nearest receiving facility for examination." The officer shall execute a written report detailing the circumstances under which the person was taken into custody, which must be made a part of the patient's clinical record. Any facility accepting the patient based on this report must send a copy of the report to the department the next working day.

394.463 Involuntary examination.—

(1) **CRITERIA.**—A person may be taken to a receiving facility for involuntary examination if there is reason to believe that the person has a mental illness and because of his or her mental illness:

(a)1. The person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or

2. The person is unable to determine for himself or herself whether examination is necessary; and

(b)1. Without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or

2. There is a substantial likelihood that without care or treatment the person will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

Your electronic signature in Power DMS acknowledges you have read this policy and understand it.